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FCC - MAILROOM

October 13, 2002

Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington DC 20554

Re: File No. SLD-242304
CC Docket No. 96-45
CC Docket No. 97-21

Request for reconsideration by the Federal Communication Commission in regard to their decision on the:

Request for Review of the decision of the Universal Service Administration by

Graydon Manor School
Leesburg, Virginia

Your decision indicated that our request to waive the 60-day deadline established in section 54.720(b) of the Commission's rules did "not demonstrate a sufficient basis for waiving the Commission's rules". The decision further indicated "the applicant bears the burden of submitting its appeal to the SLD within the established deadline" and "it is administratively necessary to place on the applicant the responsibility of adhering strictly to its filing deadlines".

We request a reconsideration of your decision, because, based on the particular facts of our case, it should be concluded that we performed due diligence in determining the established deadline and we, therefore, did bear the responsibility of submitting our appeal to the SLD within the established deadline and we were responsible in adhering strictly to its (the SLD's) filing deadlines.

If, after performing due diligence in determining the established deadline, we erred based on receiving inaccurate information, in writing (email) as well as verbally, from a resource established by the SLD specifically to provide such information, this should be considered special circumstances thus allowing for a deviation from the general rule.

Please consider the following:

1- It is a fact that after the period of time allowed to file an appeal was changed to sixty days, there were many cases where both Funding Commitment Decision Letters and Administrator's Decision on Appeal letters were sent to applicants in which the statement indicating the amount of days within which an appeal could be filed was incorrectly stated as 30 days instead of sixty days. Based on this fact there is an established precedent that the information contained in these correspondences may not be accurate.

2- The SLD established a Client Service Bureau, which can be contacted by telephone, email or fax specifically to answer applicant's questions and provide applicants with guidance. The Client Service Bureau is referred to as a resource for information on the SLD's website "SL Overview" page under "More Information" and linked to at the bottom of all website pages under "Get Help!".

LIB: ABCDE

There is no disclaimer anywhere on the SLD website or when calling the Client Service Bureau as to the accuracy of the information they provide or the need to corroborate the information provided with other sources. Information provided by the Client Service Bureau would appear to the applicant as having the same level of authority as any other source of official information, if not higher, because the information being provided is the most current. In particular, when the SLD established a specific email address, auestion@universalsenrice.org, to receive applicant inquiries in writing and to reply in writing applicants should be able to rely on the validity and accuracy on the responses they receive.

As the Commission noted, in its response, that it is administratively necessary for the applicant to bear the responsibility of filing the appeal within the established deadline, it would seem similarly administratively necessary that the applicant be able to rely on all of the sources of information that the SLD has established in order to determine the correct established deadline.

3- **As** was the situation in our case, when an applicant receives multiple responses from the Client Service Bureau both verbally and in writing, this should not be comparable to a situation of an individual employee providing incorrect information but of the organizations itself providing incorrect information. If the Commission were to grant relief as requested, it would only result in the waiving of an administrative requirement of the program and would not result in funding being provided against program rules.

As indicated above we feel that the particular facts of our case, based on the considerations described above should be considered special circumstances and request that you reconsider your decision and waive the filing deadline for our appeal

Should you have any questions, please call me at (703)777-3485 extension 330

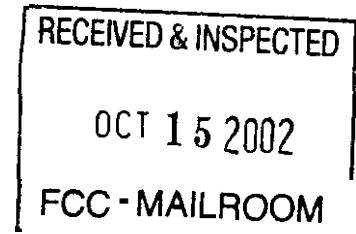
Sincerely,


Walter D. Martin, Jr.
Director, Business &
Support Services

3 Enclosures

1. Appeal to SLD
2. SLD Web-page How to Get More Information
3. SLD Wb-page Get Help!

Graydon Manor School
801 Childrens Center Road
Leesburg, VA, 20175
703-777-3485



April 8, 2002

Letter of Appeal
Schools and Libraries Division
Box 125 – Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981

Letter Of Appeal

Entity #: 21918
Application #: 242304
Funding Year: 7/1/2001-6/30/2002

The following is an appeal of the funding commitment for Application Number 242304.

RE: Funding Request Number: 580397

The Funding Request Number referred to above was reduced with the explanation that "The dollars requested were reduced to remove: the ineligible product(s)/service(s) Cisco IP F. Pack, Backup Exec Agent, MS Back office and install, VPN install".

We appeal this funding decision for the following reasons:

Backup Exec Agents

Backup Exec Agents, which is an add-on component of Backup Exec software, is an eligible core operating software, which is required to facilitate backing-up our eligible E-Mail server.

We are requesting that the dollars which were deducted for the Backup Exec Agents be committed for funding.

Back Office Server Media and License

The choice of Microsoft Back Office Server Media and License was the most cost effective way to purchase eligible core operating software for our eligible E-Mail and Proxy servers (based on Funding Year 4 eligibility). The Back Office Server Bundle contains:

Software	Eligibility
Exchange Server	Eligible
Proxy Server	Eligible (Funding Year 4)
Windows 2000 Server	Eligible
SQL Server	Not Eligible
Systems Management Server	Not Eligible

The cost of purchasing only the eligible software individually would have been:

Exchange Server	\$ 700.00
Proxy server	\$1,100.00
Windows 2000 Server	\$ 220.00
Total:	\$2,020.00
Back Office Server:	\$1,600.00

Since the cost of purchasing the eligible Exchange Server, Proxy Server, Windows 2000 Server and their respective licenses individually would have been greater than was the cost of purchasing the Back Office Bundle the ineligible SQL Server and Systems Management Server should be considered incidental.

The Back Office Bundle should be viewed solely as the eligible core Operating software for the eligible E-Mail and Proxy servers

No charge was added for installation or setup of the ineligible components. We are therefore requesting that the dollars deducted for the Back Office Media and Licenses as well as the cost of installation and setup be committed for funding.

Back Office Client Licenses

After researching the cost of purchasing the client licenses for the eligible components bundled in the Back Office client license individually we have determined that it would have been less expensive to purchase them individually than purchasing the Back Office client licenses.

However since the ~~eligible~~ licenses are included in the bundle we feel that only the percentage of cost that represents the cost of the ineligible client licenses should have been denied.

This calculates as follows:

The cost of the Back Office Client License:	\$ 50.00
Exchange Server Office Client License:	\$ 15.00
Windows 2000 Server Office Client License:	\$ 15.00
	<hr/>
Total for eligible client licenses:	\$ 30.00

We are therefore requesting that the thirty dollars per client license of dollars deducted for the Back ~~Office~~ Client Licenses be committed for funding. Note: See grid at end of appeal for dollar totals.

Unidentified Deducted Dollars

It appears that there was a larger amount of money deducted than the value of the items identified. The only items that we have determined should have been denied are the surge protector and the installation of the surge protector. When we identified all the items for which dollars were reduced we were still missing \$8,529.17.

The calculation is as follows:

Pre-Discount Amount Applied For:	\$342,754.00
Pre-Discount Amount Approved:	\$310,574.83
	<hr/>
Dollars Reduced:	\$ 32,179.17
Total Value Of Identified Items Being Appealed:	\$ 13,650.00
(Ineligible Portion) Microsoft Back Office Client License (Not Being Appealed):	\$ 2,600.00
Cisco IP Feature Pack (Firewall sw) (Not Being Appealed):	\$ 3,800.00
Install & Configure W N (Not Being Appealed):	\$ 3,600.00
	<hr/>
Total of Identified Dollars Reduced	\$ 23,650.00
Dollars Reduced Minus Identified Items:	\$ 8,529.17

Summary

As per the explanation above we are requesting that funds for the following items and services be funded:

Item/Service	Quantity	Unit Price	Extended Price
Backup Exec Agents	1	\$1,950.00	\$1,950.00
Microsoft Back Office 2000 Media & License	1	\$1,600.00	\$1,600.00
(Eligible Portion) Microsoft Back Office 2000 Client License	130	\$30.00	\$3,900.00
Install & Configure Microsoft Back Office Server	1	\$6,200.00	\$6,200.00
Unidentified Dollars Deducted	1	\$8,529.17	\$8,529.17
Total:			\$22,179.17

Walter D. Marlin Jr.
Authorized Signature


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SL Overview

E-Rate Discounts for Schools and Libraries

Overview

[Technology Plan](#)
[ECC Form 470](#)
[FCC Form 471](#)
[Funding Commitment
Decision Letter](#)
[FCC Form 486](#)
[Records Retention](#)
[E-Rate Timetable](#)

How to Get More Information

All of the concepts covered in this overview are discussed in more detail on this web site. Specific information on completing the individual forms can be obtained by downloading the forms and instructions from the web site. In addition, the Reference Area of the web site contains information on deadlines, sample letters, frequently asked questions, and other useful documents.

The SLD Client Service Bureau is also available to answer questions by telephone, fax or e-mail during normal business hours:

Telephone: 1-888-203-8100

Fax: 1-888-276-8736

E-mail:

question@universalservice.org

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Get Help!

For Questions About the E-rate:

For questions regarding the Schools and Libraries Support Mechanism, including questions about filing your application forms online, you can contact our Client Service Bureau in the following ways:

Telephone (toll-free): 1-888-203-8100

Fax (toll-free): 1-888-276-8736

E-mail to: question@universalservice.org

OR

fill out the email form below labeled "E-rate Support" and click "Submit"

E-rate Support

Name:

E-Mail:

Phone Number:

Question:

If the question above is about the filing of an online form, please provide the additional information below:

Internet Browser:

Operating System:

Form #, Block #, Item #:

For Questions About Our Web Site

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E-Mail:

Operating System:

Internet Browser:

Problem:

Comments:

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